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JUN 09 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Raymond J. Bergeron, Jr.

Application No.: 09/981,586

Group Art Unit: 1626

Filed: October 17, 2001

Examiner: R. Gerstl

Confirmation No.: 7212

Title: THIAZOLINE ACID DERIVATIVES

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CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
on <u>06/05/03</u>	<u>Kelley A. Farr</u>
Date	Signature
<u>Kelley A. Farr</u>	
Typed or printed name of person signing certificate	

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

☐ under 37 CFR 1.129(a), or

(First/Second submission after Final Rejection)

☐ under 37 CFR 1.97(b), or

(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).

☒ under 37 CFR 1.97(c) together with either:

☐ a Statement under 37 CFR 1.97(e), as checked below, or

☒ a \$180.00 fee under 37 CFR 1.17(p), or

(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

☐ under 37 CFR 1.97(d) together with:

☐ a Statement under 37 CFR 1.97(e), as checked below, and

☐ a \$180.00 fee under 37 CFR 1.17(p), or

(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

☐ under 37 CFR 1.97(i):

Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.

(Filed after payment of issue fee)

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Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

☒ Enclosed herewith is form PTO-1449:

☒ Copies of the cited references are enclosed.

☐ Copies of cited references are enclosed except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]

☐ The references were cited in the enclosed International Search Report in a counterpart foreign application.

☒ The "concise explanation" requirement (non-English references) for references, AM2 and AN2, under 37 CFR 1.98(a)(3) is satisfied by:

☐ the explanation provided on the attached sheet.

☐ the explanation provided in the Specification.

☐ submission of the enclosed International Search Report.

☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.

☒ the enclosed English language abstracts AR6 and AS6, respectively.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's  
Initials

\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

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Examiner

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Date

☐ A copy of each above-cited application, including the current claims, is enclosed.

☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

☒ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.

☐ Please charge Deposit Account 08-0380 in the amount of \$[ ]. A copy of this Statement is enclosed.

☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Pamela A. Torpey  
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Dated: June 5, 2003

<b>SECOND SUPPLEMENTAL INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <b>JUNE 5, 2003</b>  (Use several sheets if necessary)	ATTORNEY DOCKET NO. 2134.2006-001	APPLICATION NO. 09/987586	
	APPLICANT Raymond J. Bergeron, Jr.		
	FILING DATE October 17, 2001	CONFIRMATION NO. 7212	GROUP 626

**U.S. PATENT DOCUMENTS**

EXAM- INER IN- TIAL	REF. NO.	DOCUMENT NUMBER	ISSUE DATE / PUBLICATION DATE	NAME
	AG	2002/0049316 A1	04/25/02	Halbert, <i>et al.</i>
	AH	3,274,207	09/20/66	Kollonitsch, <i>et al.</i>
	AI	4,457,935	07/03/84	Iwao, <i>et al.</i>
	AJ	4,558,059	12/10/85	Kawasaki, <i>et al.</i>
	AK	4,736,060	04/05/88	Tomuro, <i>et al.</i>
	AA2	4,775,675	10/04/88	Györgydeák, <i>et al.</i>
	AB2	4,902,700	02/20/90	Hayasi, <i>et al.</i>
	AC2	4,914,208	04/03/90	Jakob, <i>et al.</i>
	AD2	5,084,083	01/28/92	Lewis, <i>et al.</i>
	AE2	5,106,992	04/21/92	Magnin, <i>et al.</i>
	AF2	5,169,858	12/08/92	Rubin
	AG2	5,182,402	01/26/93	Lewis, <i>et al.</i>
	AH2	5,192,781	03/09/93	Bru-Magniez, <i>et al.</i>
	AI2	5,385,922	01/31/95	Bron, <i>et al.</i>
	AJ2	5,393,777	02/28/95	Crosa
	AK2	5,442,073	08/15/95	Eicken, <i>et al.</i>
	AA3	5,614,520	03/25/97	Kondo, <i>et al.</i>
	AB3	6,080,764	06/27/00	Chihiro, <i>et al.</i>
	AC3	6,372,912	04/16/02	Döring, <i>et al.</i>
	AD3	6,437,143	08/20/02	Moinet, <i>et al.</i>
	AE3	5,840,739	11/24/98	Bergeron, Jr.
	AF3	6,083,966	07/04/00	Bergeron, Jr.
	AG3	6,147,070	11/14/00	Facchini
	AH3	6,159,983	12/12/00	Bergeron, Jr.

EXAMINER	DATE CONSIDERED
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<b>SECOND SUPPLEMENTAL INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <b>JUNE 5, 2003</b> (Use several sheets if necessary)	ATTORNEY DOCKET NO. 2134.2006-001	APPLICATION 09/981,586
	APPLICANT Raymond J. Bergeron, Jr.	
	FILING DATE October 17, 2001	CONFIRMATION NO. 7212

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FOREIGN PATENT DOCUMENTS						
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO	
	AM2	EP 0214101 A2	11 MAR 87	Europe		
	AN2	EP 0214933 A2	18 MAR 87	Europe		
	AO2	EP 0513379 B1	11 SEP 96	Europe		
	AP2	WO 99/53039	21 OCT 99	PCT		
	AQ2	WO 01/27119 A2	19 APR 01	PCT		
	AL3	WO 00/16763	30 MAR 00	PCT		
	AM3	1382887	02 MAY 75	United Kingdom		

EXAMINER	DATE CONSIDERED
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<p><b>SECOND SUPPLEMENTAL INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b></p> <p><b>JUNE 5, 2003</b></p> <p>(Use several sheets if necessary)</p>	ATTORNEY DOCKET NO. 2134.2006-001	APPLICATION NO. 09/981,588
	APPLICANT Raymond J. Bergeron, Jr.	
	FILING DATE October 17, 2001	CONFIRMATION NO. 7212

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
AT4	Fritsch, G., <i>et al.</i> , "Plasmodium falciparum: Inhibition in vitro with Lactoferrin, Desferrithiocin, and Desferrioxamine," <i>Experimental Parasitology</i> 63:1-9 (1987).	
AU4	Henry, D.W., "Chemotherapeutic Nitroheterocycles. Derivatives of 5-Nitrothiazole-2-carboxaldehyde and 5-Nitrothiazole-2-carboxylic Acid," <i>J. Med. Chem.</i> 12(2):303-306 (1969).	
AV4	Stahel, E., <i>et al.</i> , "Iron Chelators: In vitro Inhibitory Effect on the Liver Stage of Rodent and Human Malaria," <i>Am. J. Trop. Med.-Hyg.</i> 39(3):236-240 (1988).	
AW4	Ullmanns Encyclopedia of Industrial Chemistry, 5 <sup>th</sup> Edition Vol. 14A, "ion exchangers," pp. 446-456.	
AX4	Bergeron, R.J., <i>et al.</i> , "A Comparative Study of the Iron-Clearing Properties of Desferrithiocin Analogues With Desferrioxamine B in a <i>Cebus</i> Monkey Model," <i>Blood</i> , 81(8):2166-2173, (1993).	
AY4	Bergeron, R.J., <i>et al.</i> , "An Investigation of Desferrithiocin Metabolism," <i>J. Med. Chem.</i> , 37(18):2889-2895, (1994).	
AZ4	Bergeron, R.J., <i>et al.</i> , "Desazadesmethyldesferrithiocin Analogues as Orally Effective Iron Chelators," <i>J. Med. Chem.</i> , 42(1):95-108, (1999).	
AR5	Bergeron, R.J., <i>et al.</i> , "Evaluation of the Desferrithiocin Pharmacophore as a Vector for Hydroxamates," <i>J. Med. Chem.</i> , 42(15):2881-2886, (1999).	
AS5	Bergeron, R.J., <i>et al.</i> , "Evaluation of Desferrithiocin and Its Synthetic Analogues as Orally Effective Iron Chelators," <i>J. Med. Chem.</i> , 34(7):2072-2078, (1991).	
AT5	Bergeron, R.J., <i>et al.</i> , "Pharmacokinetics of Orally Administered Desferrithiocin Analogs in <i>Cebus Apella</i> Primates," <i>Drug Metabolism and Disposition</i> , 27(12):1496-1498, (1999).	
AU5	Bergeron, R.J., <i>et al.</i> , "Synthesis and Biological Evaluation of Naphthyldesferrithiocin Iron Chelators," <i>J. Med. Chem.</i> , 39(8):1575-1581, (1996).	
AV5	Bergeron, R.J., <i>et al.</i> , "The Origin of the Differences in (R)- and (S)-Desmethyldesferrithiocin: Iron-Clearing Properties," <i>Annals of the NY Academy of Sciences</i> , 850:202-216, (1998).	

EXAMINER	DATE CONSIDERED
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<p><b>SECOND SUPPLEMENTAL INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b></p> <p><b>JUN 09 2003</b></p> <p><b>JUNE 5, 2003</b></p> <p>(Use several sheets if necessary)</p>	<p>ATTORNEY DOCKET NO. 2134.2006-001</p>	<p>APPLICATION NO. 09/981,586</p>
	<p>APPLICANT Raymond J. Bergeron, Jr.</p>	
	<p>FILING DATE October 17, 2001</p>	<p>CONFIRMATION NO. 7212</p>

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
AW5	Bierer, B.E. and Nathan D.G., "The Effect of Desferrithiocin, an Oral Iron Chelator, on T-Cell Function," <i>Blood</i> , 76(10):2052-2059, (1990).	
AX5	Cragg, L., <i>et al.</i> , "The Iron Chelator L1 Potentiates Oxidative DNA Damage in Iron-Loaded Liver Cells," <i>Blood</i> , 92(2):632-638, (1998).	
AY5	Dean, R.T. and Nicholson, P., "The Action of Nine Chelators on Iron-Dependent Radical Damage," <i>Free Rad. Res.</i> , 20(2):83-101, (1994).	
AZ5	Re, R., <i>et al.</i> , "Antioxidant Activity Applying an Improved ABTS Radical Cation Decolorization Assay," <i>Free Rad. Biol. Med.</i> , 26(9/10):1231-1237, (1999).	
AR6	Abstract No. NDN-050-0012-6956-2 obtained from Nerac for EP 0214101 A2; Publication date 11 MAR 87.	
AS6	Abstract No. NDN-050-0012-7442-9 obtained from Nerac for EP 0214933 A2; Publication date 18 MAR 87.	

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